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March 7, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: MM Docket No. 93-295
RM-8362

Dear Mr. Caton

Transmitted herewith, on behalf of Mt. Wilson FM Broadcasters, Inc. are an original and four copies of a Request to File Additional Reply Comment and Additional Reply Comment in the above-captioned proceeding.

Very truly yours

Stanley S. Neustadt

Stanley S. Neustadt

SSN:btc

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In re Matter of)	MM DOCKET NO. 93-295
)	
Amendment of Section 73.202(b))	RM-8362
Table of Allotments,)	
FM Broadcast Stations.)	
(San Clemente, California))	

REQUEST TO FILE ADDITIONAL REPLY COMMENT AND ADDITIONAL REPLY COMMENT

Mt. Wilson FM Broadcasters, Inc. ("Mt. Wilson"), by its attorneys, seeks leave to file an additional Reply Comment in the above-captioned proceeding in response to the material filed by Steven R. Bartholomew, dated March 29, 1994. In support of this request, Mt. Wilson states:

1. The procedure normally followed in rule making proceedings could not be followed in this case. Normally, each interested party files Comments on the due date, and each interested party files Reply Comments at the same time on the due date for Reply Comments. In this case, the Reply Comments were not filed simultaneously. Mt. Wilson requested leave to file Reply Comments late, for reasons set forth in its request. Bartholomew has now filed a Reply to the Mt. Wilson Reply Comments, a procedure not normally permitted. The additional complication is that by letter dated March 30, 1994, the authorities at the Camp Pendleton Marine Base submitted material in this proceeding which was not

available to Bartholomew at the time he filed his Reply to the Mt. Wilson Reply. The purpose of Mt. Wilson in this pleading is merely to point out that all of the Bartholomew contentions have already been responded to by Mt. Wilson and Camp Pendleton.

2. The Bartholomew Reply is primarily addressed to a potential transmitter site for a San Clemente FM station on Channel 285A originally referred to by Bartholomew as the ATSF site which, he claims, is owned by the Orange County Transportation Authority and is not contiguous with Camp Pendleton because it is separated from Camp Pendleton by San Onofre State Park. The Camp Pendleton letter dated March 30, 1994 makes clear that this site actually borders Camp Pendleton, because the San Onofre State Park is on land owned by Camp Pendleton. That letter states unequivocally that an FM tower located on the site in question "would present a clear and unacceptable hazard to the frequent low-altitude tactical aircraft flights in and around Camp Pendleton."

3. Bartholomew asserts that the required spacing for Channel 285A is governed not by the current Rules, but by prior FM rules. In this, he is incorrect. Section 73.207 of the Commission's Rules makes no such exception. Even more significantly, Bartholomew's suggestion that he would utilize a directional antenna to protect Station KKGO has been clearly demonstrated to be gravely erroneous in Mt. Wilson's Comments. Bartholomew seems to believe that the attainment of "equivalent protection" by use of a directional antenna is permitted. Nothing

in the Rules, including Section 73.215, permits an allocation or an assignment on that basis.

4. Possibly the most serious error in the Bartholomew pleadings is his steadfast refusal to deal anywhere with the showing made in On the Beach Broadcasting, 8 FCC Rcd. 3123 and in the Mt. Wilson Comments herein that the service of a Channel 285A station for San Clemente would be virtually obliterated by interference from Station KKGQ.

Respectfully submitted,

MT. WILSON FM BROADCASTERS, INC.

By Stanley S. Neustadt
Stanley S. Neustadt

By Robert B. Jacobi
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Its Attorneys

Dated: April 7, 1994

CERTIFICATE OF SERVICE

I, Brenda T. Chapman, hereby certify that on this 7th day of April, 1994, a copy of the Request to File Additional Reply Comment and Additional Reply Comment was mailed U.S. Mail, First Class, postage prepaid to the following:

Steven R. Bartholomew
194 Wyndham Place
Robbinsville, New Jersey 08691


Brenda T. Chapman